



PATENT  
Attorney Docket No. MIT-132

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Chen et al.  
SERIAL NO.: 10/037,661 GROUP NO.: 2878  
FILING DATE: January 4, 2002 EXAMINER: Not Yet Assigned  
TITLE: Vacuum Electron Device with a Photonic Bandgap Structure and Method of Use Thereof

**CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8**

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Commissioner for Patents, Washington, DC 20231 on this 5<sup>th</sup> day of December, 2002.

  
Heidi Wright

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Submitted herewith is/are:

- (1) Transmittal form (1 pg.);
- (2) Information Disclosure Statement (2 pgs.);
- (3) PTO Form 1449 (2 pgs.) with cited references C1-C15; and
- (4) a Return Receipt Postcard.

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Method of Use Thereof

Commissioner for Patents  
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

In accordance with the provisions of 37 C.F.R. 1.97 and 1.98, Applicants hereby make of record the  
patents and publications listed on the accompanying Form PTO-1449, and other information contained  
herein, for consideration by the Examiner in connection with the examination of the above-identified  
patent application. Copies of the patents and publications are enclosed.

REMARKS

In accordance with the provisions of 37 C.F.R. 1.97, this statement is being filed (CHECK ONE):

- (1) within three (3) months of the **filing date** of a national application other than a  
continued prosecution application under 37 C.F.R. 1.53(d), or within three (3) months  
of the **date of entry of the national stage** as set forth in 37 C.F.R. 1.491 in an  
international application, or before the mailing of the **first Office action** on the  
merits, or before the mailing of a **first Office action** after the filing of a request for  
continued examination under 37 C.F.R. 1.114; or
- (2) after the period defined in (1) but before the mailing date of a **final action** or a **notice of allowance** under 37 C.F.R. 1.311, and
- the requisite Statement is below, **OR**
- the requisite fee under 37 C.F.R. 1.17(p), namely **\$180.00**, is included herein, or

- (3) after the mailing date of a **final action or notice of allowance** but before the payment of the **issue fee**, AND
- the requisite Statement is below, AND
- the requisite petition fee under 37 C.F.R. 1.17(p), namely **\$180.00** is included herein.

It is respectfully requested that each of the patents and publications listed on the attached Form PTO-1449, and other information contained herein, be made of record in this application.

#### STATEMENT

As required under 37 C.F.R. 1.97(e), Applicant(s), through the undersigned, hereby state either that [check the appropriate space only if either (2) or (3) is checked on the previous page and the Statement is required]:

1. Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application **not more than three months** prior to the filing of the Information Disclosure Statement; or
2. No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this Statement after making reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to **any individual** designated in 37 C.F.R. 1.56(c) **more than three months** prior to the filing of the Information Disclosure Statement.

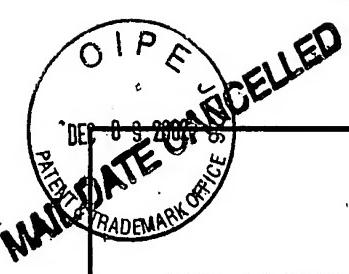
Respectfully submitted,

Date: December 5, 2002  
Reg. No. 35,722

Tel. No.: (617) 248-7738  
Fax No.: (617) 248-7100

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# TRANSMITTAL FORM



Application Serial Number	10/037,661
Filing Date	January 4, 2002
First Named Inventor	Chen
Group Art Unit	2878
Examiner Name	Not Yet Assigned
Attorney Docket No.	MIT-132
Patent No.	Not applicable
Issue Date	Not applicable

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <ul style="list-style-type: none"><li><input type="checkbox"/> Check Attached</li><li><input type="checkbox"/> Copy of Fee Transmittal Form</li></ul>	<input type="checkbox"/> Copy of Notice to File Missing Parts of Application (PTO-1553) <ul style="list-style-type: none"><li><input type="checkbox"/> Formal Drawing(s)</li></ul>	<input type="checkbox"/> Notice of Appeal to Board of Patent Appeals and Interferences <ul style="list-style-type: none"><li><input checked="" type="checkbox"/> DEC 11 2002</li><li><input type="checkbox"/> Appeal Brief (in triplicate)</li></ul>
<input type="checkbox"/> Amendment/Response <ul style="list-style-type: none"><li><input type="checkbox"/> Preliminary</li><li><input type="checkbox"/> After Final</li><li><input type="checkbox"/> Affidavits/declaration(s)</li><li><input type="checkbox"/> Letter to Official Draftsperson including Drawings [Total Sheets _____]</li></ul>	<input type="checkbox"/> Request For Continued Examination (RCE) Transmittal <ul style="list-style-type: none"><li><input type="checkbox"/> Power of Attorney (Revocation of Prior Powers)</li></ul>	<input type="checkbox"/> Status Inquiry <ul style="list-style-type: none"><li><input checked="" type="checkbox"/> Return Receipt Postcard</li></ul>
<input type="checkbox"/> Petition for Extension of Time	<input type="checkbox"/> Terminal Disclaimer <ul style="list-style-type: none"><li><input type="checkbox"/> Executed Declaration and Power of Attorney for Utility or Design Patent Application</li></ul>	<input type="checkbox"/> Certificate of First Class Mailing under 37 C.F.R. 1.8 <ul style="list-style-type: none"><li><input type="checkbox"/> Certificate of Facsimile Transmission under 37 C.F.R. 1.8</li></ul>
<input checked="" type="checkbox"/> Information Disclosure Statement <ul style="list-style-type: none"><li><input checked="" type="checkbox"/> Form PTO-1449</li><li><input type="checkbox"/> Copies of IDS Citations (C1-C15)</li></ul>	<input type="checkbox"/> Small Entity Statement <ul style="list-style-type: none"><li><input type="checkbox"/> CD(s) for large table or computer program</li></ul>	<input type="checkbox"/> Additional Enclosure(s) (please identify below)
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Amendment After Allowance	
<input type="checkbox"/> Sequence Listing submission <ul style="list-style-type: none"><li><input type="checkbox"/> Paper Copy/CD</li><li><input type="checkbox"/> Computer Readable Copy</li><li><input type="checkbox"/> Statement verifying identity of above</li></ul>	<input type="checkbox"/> Request for Certificate of Correction <ul style="list-style-type: none"><li><input type="checkbox"/> Certificate of Correction (in duplicate)</li></ul>	

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CORRESPONDENCE ADDRESS	SIGNATURE BLOCK
Direct all correspondence to: Patent Administrator Testa, Hurwitz & Thibeault, LLP High Street Tower 125 High Street Boston, MA 02110 Tel. No.: (617) 248-7000 Fax No.: (617) 248-7100	Respectfully submitted,   Thomas A. Turano, Esq. Attorney for Applicant Testa, Hurwitz & Thibeault, LLP High Street Tower 125 High Street Boston, MA 02110